

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2004-0318, State of NH v. David Ingerson, the court on December 22, 2004, issued the following order:

The defendant appeals his convictions for possession of hashish with intent to sell and possession of cocaine. He contends that the trial court erred in denying his motion to suppress. We affirm.

The defendant contends that because the totality of the information provided by its informants was not sufficiently reliable, the State failed to establish probable cause under both the State and Federal Constitutions in its application for a search warrant. "Probable cause exists if a person of ordinary caution would justifiably believe that what is sought will be found through the search and will aid in a particular apprehension or conviction." State v. Zwicker, 151 N.H. 179, 185 (2004). "To establish probable cause, the affiant need only present the magistrate with sufficient facts and circumstances to demonstrate a substantial likelihood that the evidence or contraband sought will be found in the place to be searched." Id.

In this case, the application for the search warrant provided information from five informants. One informant had provided credible information in the past. Four of the informants made admissions against their penal interests. See State v. Fish, 142 N.H. 524, 529 (1997) (reasonable to infer credibility of informant when he makes an admission against his penal interest). The informants' statements corroborated each other and also corroborated information obtained independently by the police. See State v. McMinn, 144 N.H. 34, 39-40 (1999). Given the information presented and the interlocking corroboration of each statement, we conclude that the State presented sufficient facts and circumstances to demonstrate that there was a substantial likelihood that the contraband would be found at the defendant's residence.

Because the Federal Constitution provides the defendant no greater protection than the State Constitution in this area, we reach the same result under the Federal Constitution. See State v. Dowman, 151 N.H. 162, 166 (2004).

Affirmed.

DALIANIS, DUGGAN and GALWAY, JJ., concurred.

**Eileen Fox,
Clerk**

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